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11 **UNITED STATES DISTRICT COURT**

12 **DISTRICT OF NEVADA**

13 UNITED STATES OF AMERICA,
14 Plaintiff,
15 v.
16 JOSHUA A. MARTINEZ,
17 Defendant.

18 Case No. 2:21-cr-00219-APG-DJA

19 **STIPULATION TO CONTINUE
20 MOTION DEADLINES AND TRIAL
21 DATES
22 (Fourth Request)**

23 IT IS HEREBY STIPULATED AND AGREED, by and between Jason M. Frierson,
24 United States Attorney, and Daniel Schiess, Assistant United States Attorney, counsel for the
25 United States of America, and Rene L. Valladares, Federal Public Defender, and Joanne L.
26 Diamond, Assistant Federal Public Defender, counsel for Joshua Martinez, that the calendar
call currently scheduled for October 25, 2022 at 9:00 a.m., and the trial scheduled for October
31, 2022 at 9:00 a.m., be vacated and set to a date and time convenient to this Court, but no
sooner than ninety (90) days.

IT IS FURTHER STIPULATED AND AGREED, that the parties herein shall have to
and including November 7, 2022, to file any and all pretrial motions and notices of defense.

IT IS FURTHER STIPULATED AND AGREED, by and between the parties, that they
shall have to and including November 21, 2022, to file any and all responsive pleadings.

1 IT IS FURTHER STIPULATED AND AGREED, by and between the parties, that they
2 shall have to and including November 28, 2022, to file any and all replies to dispositive motions.

3 The Stipulation is entered into for the following reasons:

4 1. Counsel for the defendant has reviewed the discovery and begun her
5 investigation but requires additional time to complete the investigation and determine whether
6 there are any pretrial issues that must be litigated and whether the case will ultimately go to
7 trial or resolve through negotiations.

8 2. The defendant is out of custody and does not object to the continuance.

9 3. The parties agree to the continuance.

10 4. The additional time requested is not sought for purposes of delay, but merely to
11 allow counsel for defendant sufficient time within which to complete the investigation in order
12 to effectively advise Mr. Martinez about his case.

13 5. Additionally, denial of this request for continuance could result in a miscarriage
14 of justice. The additional time requested by this Stipulation is excludable in computing the time
15 within which the trial herein must commence pursuant to the Speedy Trial Act, Title 18, United
16 States Code, Section 3161(h)(7)(A), considering the factors under Title 18, United States Code,
17 Section 3161(h)(7)(B)(i), (iv).

18 This is the fourth stipulation to continue filed herein.

19 DATED this 29th day of July, 2022.

20 RENE L. VALLADARES
21 Federal Public Defender

22 By /s/ Joanne L. Diamond

23 JOANNE L. DIAMOND
Assistant Federal Public Defender

24 JASON M. FRIERSON
United States Attorney

25 By /s/ Daniel Schiess

26 DANIEL SCHIESS
Assistant United States Attorney

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,
Plaintiff,
v.
JOSHUA A. MARTINEZ,
Defendant.

Case No. 2:21-cr-00219-APG-DJA

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

FINDINGS OF FACT

Based on the pending Stipulation of counsel, and good cause appearing therefore, the Court finds that:

1. Counsel for the defendant has reviewed the discovery and begun her investigation but requires additional time to complete the investigation and determine whether there are any pretrial issues that must be litigated and whether the case will ultimately go to trial or resolve through negotiations.

2. The defendant is out of custody and does not object to the continuance.

3. The parties agree to the continuance.

4. The additional time requested is not sought for purposes of delay, but merely to allow counsel for defendant sufficient time within which to complete the investigation in order to effectively advise Mr. Martinez about his case.

5. Additionally, denial of this request for continuance could result in a miscarriage of justice. The additional time requested by this Stipulation is excludable in computing the time within which the trial herein must commence pursuant to the Speedy Trial Act, Title 18, United States Code, Section 3161(h)(7)(A), considering the factors under Title 18, United States Code, Section 3161(h)(7)(B)(i), (iv).

CONCLUSIONS OF LAW

The ends of justice served by granting said continuance outweigh the best interest of the public and the defendant in a speedy trial, since the failure to grant said continuance would be likely to result in a miscarriage of justice, would deny the parties herein sufficient time and the opportunity within which to be able to effectively and thoroughly prepare for trial, taking into account the exercise of due diligence.

The continuance sought herein is excludable under the Speedy Trial Act, Title 18, United States Code, Section § 3161 (h)(7)(A), when the considering the factors under Title 18, United States Code, § 3161(h)(7)(B)(i), (iv).

ORDER

IT IS THEREFORE ORDERED that the parties herein shall have to and including November 7, 2022 to file any and all pretrial motions and notice of defense.

IT IS FURTHER ORDERED that the parties shall have to and including November 21, 2022 to file any and all responses.

IT IS FURTHER ORDERED that the parties shall have to and including November 28, 2022 to file any and all replies.

IT IS FURTHER ORDERED that trial briefs, proposed voir dire questions, proposed jury instructions, and a list of the Government's prospective witnesses must be electronically submitted to the Court by the _____ day of _____, 2023, by the hour of 4:00 p.m.

IT IS FURTHER ORDERED that the calendar call currently scheduled for October 25, 2022, at the hour of 9:00 a.m., be vacated and continued to _____ at the hour of ____:____.m.; and the trial currently scheduled for October 31, 2022, at the hour of 9:00 a.m., be vacated and continued to _____ at the hour of ____:____.m.

DATED this day of July, 2022.

UNITED STATES DISTRICT JUDGE